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CITY OF BOSTON.

City Council

LEVERETT STREET JAIL.



The following Report and Resolutions having been read, the Resolutions were passed to a second reading, laid on the table, and three hundred copies thereof and of said report and the accompanying presentment of the Grand Jury were ordered to be printed for the use of the present and next City Council.

Attest,

RICHARD G. WAIT, *Clerk C. C.*

In Common Council, January 14, 1841.

Ordered, That so much of the Mayor's Address as relates "to the best disposition of the Court House, Jail and Land on Leverett Street" be referred to Messrs. Grant, Otis and Shipley with such as the Board of Aldermen may join, to consider and report.

Sent up for concurrence.

EDWARD BLAKE, *President.*

In the Board of Aldermen, January 18, 1841.

Read and concurred, and Aldermen Hunting and Leavitt were joined (and the Mayor afterwards added Sept. 13th.)

JONA. CHAPMAN, *Mayor.*

*Clerk's Office of the Municipal Court of the City of
Boston, September 9th, 1841.*

TO THE MAYOR AND ALDERMEN OF THE CITY OF
BOSTON.

GENTLEMEN,

I am directed by the Judge of the Municipal Court, to transmit to you the enclosed certified copy of a presentment, made to the Court by the Grand Jurors, at the present September Term.

Very respectfully, yours,

THOMAS W. PHILLIPS,

Clerk of said Municipal Court.

TO THE HONORABLE JUDGE OF THE MUNICIPAL
COURT.

The Grand Jury, in addition to the indictments found by them at this term, beg leave to present to the Court, that from facts and circumstances which have come to their knowledge, they are convinced of and do present, as a great evil, which ought forthwith to be corrected,—The extreme facility of communication by word of mouth and by correspondence, between prisoners confined in the Leverett Street Jail.

This communication is so easy and unrestricted, that no one in the cells or passages can avoid hearing obscene and profane language;—it enables the profligate to corrupt the penitent; encourages the young in the progress and arts of iniquity; facilitates escapes, and matures plans for future crime.

This communication, the Keeper of the Jail states he cannot prevent in the present edifice, and under the existing laws. He also states, that blankets, tools, letters, money, watches and stolen property of various kinds could be passed without his knowledge from one cell to another, through every cell in the building—or from one prisoner to another, without detection, to the great detriment of public justice.

Under these circumstances the Grand Jury feel it to be their duty to call the attention of this Court to this evil, as one of sufficient magnitude to require an early remedy and they respectfully request the Court to send to the Mayor and Aldermen a certified copy of this presentment, that those whose duty it may be, may without delay, take the necessary measures to correct this evil.

(Signed) ROBERT C. HOOPER,
Foreman of the Grand Jury.

Boston, September 8, 1841.

A true copy of a presentment made to the Municipal Court of the City of Boston by the Grand Jurors, on the eighth day of September, A. D. eighteen hundred and forty one.

Attest,

THOMAS W. PHILLIPS,
Clerk of said Court.

In City Council, December 16, 1841.

The Joint Special Committee to whom was referred “so much of the Mayor’s Address as relates to the Jail in Leverett Street” and also the communication from the Grand Jury upon the same subject,—having considered the subject, ask leave to

R E P O R T :

That they do not deem it necessary to occupy any time in speaking of the character of the present Jail in this City. They believe that all who have seen it, are united in the opinion, that in construction, means of warming and ventilation, arrangements of every kind for the inmates, and indeed in every requisite for a proper Jail, it is unworthy the character of the City. That it should be presented by the Grand Jury therefore, in the way it has been, is what might naturally be expected.

Your Committee believe, however, that the desire has long been felt by successive City Councils to remedy the evil. Action has been delayed, not from want of feeling, but from perplexing doubts as to the best mode of action. There are two buildings for jails, a large Court House and Jailor’s house, together with about forty-three thousand feet of land connected with the present establishment. The whole has cost much money. The land does not lie very advantageously for sale, and accordingly it has been very difficult to determine how to dispose of it. Then there have heretofore been questions as to the best plan of a new Jail ; and more troublesome than all the rest, the question where a new Jail

shall be located, whether on the present site or at South Boston.

These various questions have delayed action hitherto, but the matter must sooner or later be met. Your Committee do not, of course, expect the present Council to enter upon the work. They wish only to submit their views, in hopes of procuring an expression of opinion from the present Council, so that the subject may be in the way of being taken up by the next Council, and the necessary arrangements made, if practicable, to enter upon the work as soon as spring opens. As no calls are anticipated for public buildings during the next year, excepting the usual number of Primary School Houses, it would seem a favorable period for this undertaking. No want of the City is more pressing.

Your Committee repeat that they take it for granted that every member of the Council is dissatisfied with the present Jail and with the state of things about it, and would gladly have a thorough change made, if he could see his way clear. There appear to them, therefore, to be but three questions to be determined.

1. As to the best plan of a Jail.
2. As to its location, whether in Leverett Street or at South Boston.
3. As to the best disposition to be made of the whole, or the part not wanted for the new Jail, of the present estate in Leverett Street.

And, first, as to the *plan* of a Jail, there can be now no difficulty. That which has been adopted in Hartford and New Haven may well serve as a model. It has been thoroughly tested and is found to be admirable in all respects. The part for prisoners is

upon the plan of our House of Correction, only having the area between the cells and the outer walls of sufficient width to be a workshop, where the inmates can be made to earn a part of the expense of the establishment, instead of being confined in idleness, as in our present Jail; a change, it may be remarked, no less of true mercy to them, than of benefit to the City. The Jailor's house is connected with the prison and under the same roof, and so arranged that the prisoners are guarded and watched with the greatest facility. Plans very similar to the one now spoken of were made for the City some years since, and are now in its possession. Your Committee learn from those who have visited almost all the Jails in the country, that nothing better than this plan can be found or desired. So far therefore, as the subject of a plan is concerned, the City is ready to proceed.

2. As to the *location* of the Jail, whether it shall be on the present site in Leverett Street, or at South Boston.

However desirable in some respects it might be, to have the jail at South Boston, your Committee are satisfied upon a careful consideration of the matter, and after consultation with those who must be most familiar with the subject,—that it is absolutely indispensable to have a lock up or place of secure confinement, within the limits of the City proper, and at least as near the courts at which preliminary examinations and trials are had, as the present jail in Leverett Street.

Persons are arrested in the night and must be detained for examination at such times of the following day, as the business of the Court will allow. Trials

may be protracted for long periods. It has been ascertained that of the commitments to the present jail, three-eighths do not remain there more than one night, and five-eighths not over two nights. This shows how much more the jail is required for a temporary lockup than for a penitentiary for confinement of persons under sentence. The delay of the Courts in conducting the examinations, and the delay and increased expenses of witnesses, if prisoners are to be sent to and from South Boston, would be very great. Prisoners who are awaiting trial are constantly needing the presence of their counsel and friends, and therefore must be near them. And the importance in a large city, of having close at hand, in case of a sudden riot or outbreak, a secure place of confinement, must be obvious to every one. The expense of continual transportation for such a distance as to South Boston, and the attendant risk of rescue, are also matters to be taken into account.

These necessities, it is believed, peremptorily require, that there should be some lock up or jail in the City. As the persons in it must be fed, it would require a keeper, and in fact become a jail. And as it would be deemed a serious nuisance to have such an establishment in any way connected with a Court House or other building,—it is confidently believed, that an attempt to locate the jail at South Boston would ere long involve the necessity of erecting and maintaining an additional one, with all its attendant circumstances, in the City proper.

Your Committee are therefore decidedly of the opinion, that the Jail should be in the City, and upon a part of the present site in Leverett Street. It has

already been there so long, that the neighbourhood has become accustomed to it, and property has taken its value in reference to it.

Upon the plan proposed, not more than one-fourth or one-third of the land will be needed for the jail and keeper's house. This will leave the present keeper's house, the Court house, and at least twenty-five thousand feet of land to be sold or leased. And though it may be said that if the jail is removed to South Boston, the whole of the estate might be sold,—yet, on the other hand, if sufficient ground for the Jail were taken from the House of Industry, it might be necessary to purchase more for that Institution, and at what prices, the Council has already had some intimation.

As to the cost of construction, though at South Boston, the labor of the House of Correction might be used to advantage,—yet in Leverett Street, a large quantity of materials is already upon the ground.

Your Committee accordingly do not hesitate to recommend a portion of the estate on Leverett street as the best site for the new Jail.

3. As to the best disposition of the remainder of the estate,—the Committee authorized to build the Jail, should be also empowered to have the residue of the land not wanted for a Jail, divided into lots and sold. The buildings now on Leverett Street could also be sold, or leased until a favorable sale could be made.

Your Committee have thus expressed their views and the decisions to which they have arrived. They believe the work in question an important one, and that the time has arrived to complete it. They be-

lieve, in a pecuniary point of view, that the proceeds of land and buildings not wanted, will more than build the Jail. And they further believe that if the present Council could give a decided expression of opinion, the work would be completed before another year. They accordingly submit for the action of the present Council, the accompanying Resolutions.

For the Committee,

JONA. CHAPMAN, *Chairman.*

Resolved, That the present Jail in Leverett Street is unworthy of the City of Boston, and ought to be removed.

Resolved, That a new Jail, after the model now most approved, ought to be erected upon a portion of the site of the present Jail in Leverett Street.

Resolved, That so much of the estate belonging to the City on Leverett Street, as is not wanted for the new Jail and Jailor's House, should be sold, and the proceeds applied to the erection of the new Jail.

Resolved, That it be recommended to the next City Council, to enter early upon the work, in order that the Jail in the City of Boston may not be again presented by a Grand Jury.

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